



Evan B. Citron
212-492-2068
evan.citron@ogletree.com

VIA ECF

The Honorable Phillip M. Halpern
U.S. District Court for the Southern District of New York
United States Courthouse
500 Pearl Street, Room 1950
New York, NY 10007

Re: *Sicard v. Kirkland's Stores, Inc.*
Case No. 7:22-cv-07180

Dear Judge Halpern:

We represent Kirkland's Stores, Inc. ("Kirkland's" or "Defendant") in the above-referenced action. On behalf of all parties, in accordance with Rule 3.C. of Your Honor's Individual Practices, and for the reasons summarized below, we write to respectfully request leave to attempt to resolve the case via private mediation on January 31, 2024, and to stay the current deadlines in the case pending the outcome of that mediation.

Since the parties submitted their prior request to extend the deadline for fact discovery, they have continued to discuss a potential settlement of this action. In light of those discussions and the parties' respective attorneys' experience resolving claims like Plaintiff's, the parties continue to view private mediation with Martin F. Scheinman, Esq. as their optimal opportunity to resolve the case. Mr. Scheinman is a well-known, highly-regarded mediator with extensive experience mediating cases of this type. Mr. Scheinman – who has a very active practice as a neutral – has identified January 31, 2024 as his earliest availability to mediate the matter. In light of the above, and so the parties may direct their respective resources toward a potential resolution of the case, we respectfully request leave to mediate the case with Mr. Scheinman on that date, and a stay of the current deadlines in the case pending the outcome of the parties' mediation. Notwithstanding that basis for the parties' request, the parties respectfully note that Defendant remains in the process of collecting certain additional discovery regarding the alleged damages in the case, and anticipates finalizing that production well in advance of the parties' proposed mediation date.

We acknowledge that the Court previously denied a similar request from the parties, and respectfully submit this request only after further, careful consideration of the myriad issues bearing on the case, including the parties' respective resources.

**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**

Attorneys at Law

599 Lexington Avenue, 17th Floor
New York, New York 10022
Telephone: 212.492.2500
Facsimile: 212.492.2501

Application denied.

The Clerk of Court is respectfully directed to terminate the motion sequence pending at Doc. 28.

Dece SO ORDERED.

Philip M. Halpern
United States District Judge

Dated: White Plains, New York
December 4, 2023

The Honorable Phillip M. Halpern
December 1, 2023

Thank you for Your Honor's consideration of this request, and attention to this matter.

Respectfully submitted,
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

By /s/ Evan B. Citron
Evan B. Citron

cc: All counsel of record (via ECF)